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Policy on Religious Head Coverings at Detention Center-Central

Purpose: The purpose of this policy is to establish guidelines for the respectful and lawful accommodation of religious head coverings worn by individuals in the custody of the Mecklenburg County Detention Center-Central ("MCDCC"), ensuring compliance with the Religious Land Use and Institutionalized Persons Act ("RLUIPA") and other applicable laws.

Scope: This policy applies to all deputies, detention officers, and civilian personnel employed by the Mecklenburg County Sheriff's Office ("MCSO Personnel") who interact with individuals in custody, including residents, arrestees, and visitors.

1. Definitions:

- a. **Religious Head Covering:** A piece of clothing worn on the head that is worn as part of a sincerely held religious practice or belief, including but not limited to hijabs, turbans, yarmulkes, kufis, and other similar items.
- b. **RLUIPA:** The Religious Land Use and Institutionalized Persons Act of 2000, which protects the religious rights of individuals in institutions, including those in MCDCC custody.

2. General Policy:

- a. **Respect for Religious Beliefs:** It is the policy of the Mecklenburg County Sheriff's Office ("MCSO") to respect the sincerely held religious beliefs of all residents and arrestees in its facilities. If MCSO determines that limits on religious exercise are warranted by a compelling interest, it is the policy of MCSO to administer these limits in the least restrictive means necessary under the circumstances. All MCSO Personnel are expected to respect and accommodate these religious practices unless there is a compelling reason not to do so, including, but not limited to, safety or security reasons.
- b. **Request Process:** Individuals in MCDCC custody must be informed of their right to request religious head covering accommodations upon intake. Requests can be made at any time and will be handled promptly and respectfully.

3. Procedures for Searches:

- a. **Pat-Down Searches:** Unless exigent circumstances exist, when an individual in custody wearing a religious head covering is searched, MCSO Personnel shall treat the religious head covering like a t-shirt or pants and make efforts to conduct the search with the individual still wearing the head covering, whenever possible.
- b. **More Extensive Searches:** For all searches, MCSO will make reasonable efforts to utilize techniques that minimize the need for removal of the covering. If a more extensive search is necessary and circumstances warrant the need to ensure a compelling safety interest, particularly upon the initial intake, MCSO Personnel shall:
 - i. Offer the individual in custody the opportunity to have this search conducted by members of the same gender and out of view of any person of a differing gender and;
 - ii. Following the search, MCSO personnel shall return to the individual in custody their religious head covering unless there is a compelling reason to confiscate the item due to a security risk, which shall be documented.

4. Identification Procedures:

- a. **Photographs:** Should an arrestee be wearing a head covering in furtherance of a sincerely held religious belief, MCSO will not photograph that arrestee without his or her religious head covering unless there exists a compelling penological or law enforcement-related reason to do so. When compelled to photograph an arrestee without his or her religious head covering, MCSO will do so in the least restrictive manner possible, including, without limitation, in private and by MCSO staff of the same gender as the arrestee. In no event will MCSO publish or make public a photograph of an arrestee without his or her religious head covering. MCSO will only share a photograph of an arrestee without his or her religious head covering with other law enforcement agencies for identification purposes or pursuant to a lawful court order.

5. Wearing of Religious Head Coverings Throughout the Facility

- a. **General Permission:** Individuals in MCSO custody are permitted to wear the religious head coverings they entered with throughout the facility unless there is a compelling reason that requires temporary removal, including, but not limited to, safety or security reasons.
- b. **Facility Movement:** While moving within the facility, an individual may continue to wear his/her religious head covering provided that if safety or security reasons require it, the individual may be required to submit to a search of the religious head covering. If, upon such a search, no contraband is found, the individual will be allowed to continue to wear the religious head covering. If a situation arises where an officer or staff member believes removal of an individual's religious head covering is necessary, the officer must seek approval from a supervising officer. An officer does not need prior permission to remove a person's head covering if extenuating circumstances require immediate action. Each time a religious head covering is removed for any duration, MCSO must document the removal and the reason for it.
- c. **Security Considerations:** If a religious head covering needs to be temporarily removed for security screening (e.g., metal detection), the removal must be conducted with the utmost respect, in private if possible, and for the shortest duration necessary. MCSO must allow the individual to replace the head covering immediately after the screening is completed or the extenuating circumstance is resolved.

6. Confiscation of Religious Head Coverings

- a. If circumstances require the confiscation of an individual's religious head covering, that head covering shall be returned to the individual as soon as such circumstances are resolved. Confiscations must be documented along with the reason for confiscation.
- b. **Availability:** MCDCC shall maintain a supply of standard-issue religious head coverings to accommodate the religious needs of individuals in MCSO custody who do not otherwise have appropriate coverage. To minimize costs, MCSO may supplement its head covering supply with donations from local religious organizations and clergy. MCSO shall allow individuals in its custody to receive and/or keep religious materials unless there is a compelling interest in denying such items, including, but not limited to, safety or security reasons.
- c. **Respect for Modesty:** MCSO recognizes that some individuals have religious beliefs that require them to adhere to specific modesty standards, such as covering certain parts of the body or avoiding members of the opposite gender while exposed. These modesty standards will be respected and accommodated unless there is a compelling reason not to do so, including, but not limited to, safety or security reasons. For example, during inmate dress out and upon their request, MCSO Personnel must provide detained individuals with a long-sleeved uniform option.

7. Documentation:

- a. **Documenting Incidents:** MCSO shall document any instance in which a religious head covering is removed, including the reason for removal, the name of the officer(s) involved, and the duration of the removal. MCSO shall inform individuals whose religious garments have been removed that the removal has been documented.